### PATENT COOPERATION TREATY

## **PCT**

# TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P04386WO	FOR FURTHER ACTION	See Form PCT/IPEA/416				
International application No.	International filing date (day/month/y	pear) Priority date (day/month/year)				
PCT/EP2004/009206	17.08.2004	24.09.2003				
International Patent Classification (IPC) or national	onal classification and IPC					
H04L12/56, H04L29/06						
Applicant						
SIEMENS AKTIENGESELLS	SCHAFT					
This report is the international prelir under Article 35 and transmitted to th		by this International Preliminary Examining Authority				
This REPORT consists of a total of		, including this cover sheet.				
3. This report is also accompanied by ANNEXES, comprising:						
a. (sent to the applicant and to the International Bureau) a total of 3 sheets, as follow						
sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or						
sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).						
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental					
	D	- J				
b (sent to the International i	Bureau only) a total of (indicate type a	nd number of electronic carrier(s))				
related thereto, in computer	readable form only as indicated in t	, containing a sequence listing and/or tables he Supplemental Box Relating to Sequence Listing (see				
Section 802 of the Administ		the Supplemental Box Remains to Sequence Bising (see				
4. This report contains indications relation	ng to the following items:					
Box No. I Basis of the	report					
Box No. II Priority						
Box No. III Non-establis	shment of opinion with regard to nove	ty, inventive step and industrial applicability				
Box No. IV Lack of unit	y of invention					
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement					
Box No. VI Certain doct	ox No. VI Certain documents cited					
Box No. VII Certain defe	cts in the international application					
Box No. VIII Certain obse	ervations on the international application	on				
Date of submission of the demand	Date of comple	ction of this report				
Name and mailing address of the IPEA/EP	Authorized off	icer				
Facsimile No.	Telephone No.					

International application No.

PCT/EP2004/009206

Box	k No. I	Basis of the report					
1.		n regard to the <b>language</b> , this report is based on the internaticated under this item.	onal application in the language in	which it was filed, unless otherwise			
		This report is based on translations from the original language which is the language of a translation furnished for the pur		,			
		international search (Rule 12.3 and 23.1(b))					
		publication of the international application (Rule 12.	4)				
		international preliminary examination (Rule 55.2 and	d/or 55.3)				
2.	rece		ard to the <b>elements</b> of the international application, this report is based on (replacement sheets which have been furnished to the Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to 1:				
		the international application as originally filed/furnished					
	$\boxtimes$	the description:					
		pages <u>1-19</u>		as originally filed/furnished			
		pages*	_ received by this Authority on				
		pages*	_ received by this Authority on				
	$\boxtimes$	the claims:					
		nos.		as originally filed/furnished			
		nos.*	as amended (together	r with any statement) under Article 19			
		nos.* _1-9	_ received by this Authority on	22.07.2005 with letter of 22.07.2005			
		nos.*	received by this Authority on				
	$\boxtimes$	the drawings:					
		sheets _ 1/1		as originally filed/furnished			
		sheets*	received by this Authority on				
		sheets*	_ received by this Authority on				
		a sequence listing and/or any related table(s) – see Supple	mental Box Relating to Sequence L	isting.			
3.	$\boxtimes$	The amendments have resulted in the cancellation of:					
		the description, pages					
		the claims, nos. 10					
		the drawings, sheets/figs		_			
		the sequence listing (specify):					
		any table(s) related to sequence listing (specify):					
4.		This report has been established as if (some of) the amer they have been considered to go beyond the disclosure as					
		the description, pages					
		the claims, nos.		-			
		the drawings, sheets/figs					
		the sequence listing (specify):					
		any table(s) related to sequence listing (specify):					
*	If ite	em 4 applies, some or all of those sheets may be marked "su	perseded."				

International application No.
PCT/EP2004/009206

Box	No. V		under Article 35(2) with regard to novelty, inventive step or industrial applicability; ations supporting such statement	
1.	Statement			
	Novelty	(N)	Claims 1-9	_ YES
			Claims	_ NO
	Inventive	step (IS)	Claims 1-9	YES
			Claims	_ NO
	Industria	l applicability (IA)	Claims _ 1-9	YES
			Claims	
2.	Citations and	d explanations (Rule 70		
		Reference	is made to the following document:	
		D1: US 20	002/099842 A1 (BATE DONALD ET AL)	
		25 Ju	aly 2002 (2002-07-25)	
	1	Claim 1		
		Document D	ol is considered the prior art closest to	
		the subjec	ct matter of claim 1 and discloses (the	
		references	s between parentheses refer to that	
		document):		
		a method f	for controlling the load in a packet data	
		network at	an interface between the packet data	
		network an	nd a connection-oriented	
		telecommun	nications network connected thereto,	
		wherein th	ne amount of traffic constituted by data	
		of a type	which is routed through the packet data	
		network is	determined, characterised in that	
		(paragraph	[0046])	
		- 6		
			recasted amount of traffic is calculated the next period using the measured data	

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

(paragraph [0066]) and

- resources corresponding to the forecasted amount of traffic are reserved for the next period in the packet data network (paragraphs [0078]-[0100], [0091]-[0110]).

The subject matter of claim 1 thus differs from that known from D1 in that the forecasted amount of traffic is determined using a formula which takes into consideration an overbooking factor and a trend factor.

The present invention can therefore be considered to address the problem of using the overbooking factor to establish a certain degree of security against inaccuracies in the algorithm with regard to the prognosis and unforeseen traffic fluctuations. Moreover, the trend factor is used to indicate the speed at which the system should react to changes from one measuring period to the next.

The subject matter of claim 1 is thus novel (PCT Article 33(2)) and inventive (PCT Article 33(3)).

2 Independent claims 8 and 9

The same arguments apply to claims 8 and 9, which claim the corresponding Media Gateway Controller and Media Gateway.

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